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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH

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| In re: WALTER L. WAGNER, Debtor. | Bankruptcy Case No. 12-35494 Chapter 7 Honorable Joel T. Marker |
| WORLD BOTANICAL GARDENS, INC., Plaintiff, v. WALTER L. WAGNER, Defendant. | MOTION FOR AN EX PARTE ORDER CONTINUING DATE SET FOR HEARING ON DEFENDANT'S MOTION FOR SUMMARY JUDGMENT Adversary Proceeding No. 13-02099 (Filed via ECF) |

Plaintiff World Botanical Gardens, Inc. ("WBGI"), by and through its counsel, Richer & Overholt, P.C., hereby requests that the Court continue the date set for hearing under Defendant's Notice of Motion for Summary Judgment as Against WBGI, which hearing is currently scheduled for Wednesday, October 23, 2014 at the hour of 2:00 PM, to Wednesday November 13, 2013 at the

hour of 2:00 PM, and in support thereof submits the following:

1. Counsel for the Plaintiff is not available to attend the hearing set for Wednesday, October 23, 2013 at the hour of 2:00 PM.
2. With over a month until such time that the hearing was scheduled, two alternative hearing dates were obtained and reserved by the Judge's clerk, and presented to the Defendant with a request that the hearing be continued to either of those dates.
3. The Defendant has responded by indicating in an email that the a Motion would be necessary in order to have the hearing date changed.
4. Counsel for the Plaintiff who is assigned to this case, Patrick F. Holden, was not consulted regarding his availability for the initial date, and he is unable to change airline reservations and an out of state event which had already been scheduled at that time.
5. In addition, Plaintiff expects to be filing a separate Motion for Summary Judgment which would be noticed for hearing at the same time available on the Court's calendar.

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order continuing hearing on Defendant's Motion for Summary Judgment from October 23, 2013 at the hour of 2:00 PM until Wednesday, November 13th at the hour of 2:00 PM, at the United States Bankruptcy Court for the District of Utah, 350 South Main Street, Salt Lake City, UT 84101, Court Room 341.

DATED this 23 day of September, 2013.

RICHER & OVERHOLT, P.C.



Arnold Richer
Attorney for Plaintiff